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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/800,742 02/14/97 FIELD

F 1233-272A

EXAMINER

PM41/0407

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WASHINGTON DC 20004

EXAMINER PAPER NUMBER

3627
DATE MAILED:

04/07/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on January 22, 1998
☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-26 is/are pending in the application.
Of the above, claim(s) 20 is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 1-14, 17-23 & 26 is/are rejected.
☒ Claim(s) 15, 16, 24, 25 is/are objected to.
☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3 and 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gokcebay et al. 5,552,777. Gokcebay et al. teaches all the elements of the claimed invention including side bar 38, blocking mechanism/slider bar (solenoid plunger/spring), drive mechanism 36 and control means 32, 34, 40.
3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Thordmark et al. 5,542,274. With regards to claim 1, Thordmark et al. teaches all the elements of the claimed invention including a lock cylinder (figures 1-3) having side bar 7, blocking mechanism 10,11, electrically activated drive mechanism 12, and control means 4c.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 7, 8, and 12-14 are rejected under 35 U.S.C. 103(a) as being as being unpatentable over Gokcebay et al. 5,552,777 and Aston 5,351,042. It would obvious to one of ordinary skill in the art to replace the complex actuator of Gokcebay et al. with a simple nitinol wire actuator like that taught by Aston since the wire actuator is an effective known mechanism for controlling the locking function of an electromechanical lock.

6. Claims 13, 17-19, 21, 22, 23, and 26 are rejected under 35 U.S.C. 103(a) as being as being unpatentable over Aston 5,351,042 and Gokcebay et al. 5,552,777. See particularly Aston, figure 4 and column 3, line 50 to column 4, line 3. It would have been an obvious relocation and reversal of parts to mount the nitinol wire and lever 42 in the plug which is accepted into a recess of the casing in a manner similar to that set forth in Gokcebay et al. for the reasons set forth therein. ✓

7. Claims 2, 4, 5, 6, 9, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aston 5,351,042 in view of Thordmark et al. 5,542,274. Aston teaches all the elements of the claimed invention with the exception of the nitinol wire actuator cooperating specifically on the sidebar of the locking mechanism to prevent rotation of the cylinder plug. Aston teaches slider bar 42, rocker (return pivot) and pusher (return spring) wherein a projection on the slider bar locks into a recess in the plug to prevent rotation. Thordmark teaches it is well known to use an electronic control means having a slider bar 11 in conjunction with a side-bar mechanism 10 wherein in the unlocked position a projection on the slider bar is accepted into a recess in the sidebar to allow rotation of the cylinder lock. Thordmark also teaches use of a convention

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sidebar 7 which is removable received in a cavity of the lock shell during rotation of the plug to the unlocked position. It would have been an obvious relocation of parts to one of ordinary skill in the art to attach the nitinol wire actuator to an electromechanical lock having a sidebar with a recess in a manner similar to that taught by Thordmark et al. since both configurations equally secure the cylinder lock in the lock position. Alternatively, with regards to claims 22-25, it would be obvious to one of ordinary skill in the art to replace the complex solenoid actuator of Thordmark et al. with a simple nitinol wire actuator like that taught by Aston since the wire actuator is an effective known mechanism for controlling the locking function of an electromechanical lock.

Allowable Subject Matter

8. Claims 15, 16, 24, and 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Response to Arguments

9. Applicant's arguments with respect to claims 13, 17-19, 21, 22, 25, and 26 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's arguments filed January 22, 1998 with regards to claims 1-12, 14-16, 20, 23-24 have been fully considered but they are not persuasive. With regard to the species claimed in claim 20, no generic claim has been deemed allowable and therefore claim 20 is still withdrawn from consideration by the Examiner. The Examiner agrees with Applicant's interpretation of the Thordmark et al. reference however the argument with regard to claim 1 is unconvincing. The blocker mechanism 11, moves relative to the all other elements that are stationary at the time the mechanism is moved. Relative is defined in the Random College Dictionary as "something dependent upon external conditions for its specific nature or something having some relation to something else. Although the tumblers maintain the sidebar 7 in position, the sidebar is unable to move absent a first relative movement of the blocking mechanism.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darnell Boucher whose telephone number is (703) 308-2492.

dmb

April 1, 1998


DARNELL M. BOUCHER
PRIMARY EXAMINER
GROUP 3500